

1970 No. 1161 (L.25)

MATRIMONIAL CAUSES

SUPREME COURT OF JUDICATURE, ENGLAND

COUNTY COURTS

The Matrimonial Causes (Amendment No. 2) Rules 1970

Made - - - - - *27th July 1970*

Laid before Parliament *7th August 1970*

Coming into Operation *1st September 1970*

We, the authority having power to make rules of court for the purposes mentioned in section 7(1) of the Matrimonial Causes Act 1967(a), hereby exercise that power as follows:—

1.—(1) These Rules may be cited as the Matrimonial Causes (Amendment No. 2) Rules 1970 and shall come into operation on 1st September 1970.

(2) In these Rules a rule referred to by number means the rule so numbered in the Matrimonial Causes Rules 1968(b), as amended (c), and “Appendix I” means Appendix I to those Rules.

(3) The Interpretation Act 1889(d) shall apply for the interpretation of these Rules as it applies for the interpretation of an Act of Parliament.

2. In rule 37, paragraphs (1) to (4) and the figure “(5)” at the beginning of the last paragraph shall be omitted.

3. In rule 65(2) the word “and” shall be deleted at the end of sub-paragraph (d) and after sub-paragraph (e) there shall be inserted the following sub-paragraph:—

“(f) where a certificate has been granted under section 12 of the Administration of Justice Act 1969(e) in respect of the decree—

(i) that no application for leave to appeal directly to the House of Lords is pending ;

(ii) that no extension of the time to apply for leave to appeal directly to the House of Lords has been granted or, if any such extension has been granted, that the time so extended has expired ; and

(iii) that the time for any appeal to the Court of Appeal has expired.”

(a) 1967 c. 56.

(b) S.I. 1968/219 (1968 I, p. 665).

(c) The relevant amending instrument is S.I. 1969/763 (1969 II, p. 2176).

(d) 1889 c. 63.

(e) 1969 c. 58.

4. The following paragraph shall be added to rule 80 :—

“(6) Without prejudice to the foregoing provisions of this rule, a judge or the registrar may, on the application of a party or of his own motion, order that an application for ancillary relief pending in a divorce county court shall be transferred to the High Court if he is of opinion that the transfer is desirable for the purpose of expediting the hearing of the application ; but where a transfer is ordered under this paragraph, the costs of the application for ancillary relief shall be on the county court scale unless the judge or registrar who hears the application considers that a transfer would have been justified otherwise than for expediting the hearing and for that reason directs that the costs incurred after the transfer of the application shall be on the High Court scale.”

5. In Appendix I the letter “(A)” shall be deleted from the entry relating to Shrewsbury.

Dated 27th July 1970.

Hailsham of St. Marylebone, C.

J. E. S. Simon, P.

John Latey, J.

For Lloyd.

Irvon Sunderland.

W. D. S. Caird.

J. L. Williams.

Alan de Piro.

Joseph Jackson.

J. D. Clarke.

D. E. Morris.

EXPLANATORY NOTE

(This Note is not part of the Rules.)

These Rules amend the Matrimonial Causes Rules 1968 so as (1) to abolish a wife's right to apply for security for her costs of a matrimonial cause (rule 2), (2) to defer the making of a decree absolute where a certificate has been granted under section 12 of the Administration of Justice Act 1969 for an appeal direct to the House of Lords (rule 3), (3) to enable an application for ancillary relief to be transferred from a divorce county court to the High Court in order to expedite the hearing (rule 4), and (4) to prevent long causes being fixed for trial at Shrewsbury (rule 5).

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